

## **REMARKS**

In accordance with the foregoing, claims 1 and 11-15 are amended. Claim 16 is added. No new matter is added. Claims 1 and 3-16 are pending and under consideration.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1, 3-10, 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preambles of independent claims 1 and 11-15 are amended herewith to recite "mesh data which represent a characteristic value associated to combined cube elements and are used in a computer analysis related to a target object". The claim amendments are fully supported by the originally filed specification, page 1, lines 17-28.

### **CLAIM OBJECTIONS**

In order to overcome the claim objections the recitations of specifics of the second condition is removed from amended claim 1.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0198693 to Marusich (hereinafter "Marusich").

Claims 1, and 11-15 are amended herewith to recite that "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary." The added feature corresponds to FIG. 7 and the associated description in the specification. Applicants believe that the newly recited operations is not taught or suggested by the cited prior art.

Further, the Office Action alleges that paragraph [0005], lines 1-7, of Marusich discloses "forming cube data from mesh data obtained by dividing the target object by grid lines, the cube data being formed of cube elements that are mesh elements forming the target object, wherein the cube data is obtained by determining whether each of the mesh elements forming the mesh data forms the target object." The portion of Marusich merely discloses that "[the] configuration of the elements used to divide the component of workpiece determines many of the properties and accuracy or the model." However, this determination directed to "many of the properties and

accuracy of the model", has nothing to do with determining "whether each of the mesh elements forming the mesh data forms the target object" as recited in claim 1.

Moreover the Office Action relies on paragraph [0039], lines 8-19 of Marusich to disclose that "the cube data is obtained by determining whether each of mesh elements forming the mesh data forms the target object based on a first condition of the target object in the mesh element" (emphasis added). However, the portion of Marusich indicated in the Office Action merely discloses refining or combining elements by re-meshing, and does not teach or suggest that whether each of the mesh elements forms the target data is determined based on a certain condition.

#### NEW CLAIM 16

New claim 16 is directed to a method of using a computer processor to generate mesh data. New claim 16 is fully supported by the originally filed specification, for example, FIG. 7 and the corresponding description. For example, the "receiving" may correspond to S1, the "dividing", "determining", and "forming" may correspond to S2, the "determining a combination" may correspond to S5-S7, and the "reducing" may correspond to S13. Additionally, support for the "determining" and the "forming" may be found on page 11, lines 2-11 of the original specification.

Applicants believe that claim 16 is patentable over Marusich.

#### CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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